## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS

ADVANCEME, INC.	§	
	§	
Plaintiff,	§	
	§	
<b>v.</b>	§	
	§	CAUSE NO. 6:05-CV-424 (LED)
RAPIDPAY, LLC, BUSINESS CAPITAL	§	
CORPORATION, FIRST FUNDS LLC,	§	
MERCHANT MONEY TREE, INC.,	§	
REACH FINANCIAL, LLC and	§	
FAST TRANSACT, INC. d/b/a	§	
SIMPLE CASH	§	
	§	
Defendants.	<b>§</b>	
ADVANCEME, INC.,	§	
	§	
Plaintiff,	§	
	§	CAUSE NO. 6:06-CV-082 (LED)
V.	§	
	§	
AMERIMERCHANT, LLC,	§	
	§	
Defendant.	§	
	<u>§</u>	

## DEFENDANTS' MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT IN DEFENDANTS' MOTION TO COMPEL

First Funds, LLC, Reach Financial, LLC, Merchant Money Tree, Inc., and AmeriMerchant, LLC ("Defendants") respectfully request that the Court grant leave to exceed Local Rule CV-7(a)'s 15-page limit for non-dispositive motions in their Motion to Compel. Specifically, in order to adequately address Plaintiff AdvanceMe, Inc.'s failure to comply with its discovery obligations in these actions, Defendants request leave of Court to file a 20-page motion.

The parties met and conferred via e-mail regarding this motion on November 16, 2006, and Plaintiff is not opposed to Defendants' Motion for Leave to Exceed.

November 16, 2006

Respectfully submitted,

By: /s/ Joseph D. Gray

Willem G. Schuurman Texas State Bar No. 17855200 bschuurman@velaw.com Joseph D. Gray

Texas State Bar No. 24045970

igray@velaw.com

VINSON & ELKINS L.L.P.

2801 Via Fortuna, Suite 100 Austin, Texas 78746

Telephone: 512.542.8400 Facsimile: 512.236.3476

-and-

Hilary L. Preston

hpreston@velaw.com

### VINSON & ELKINS L.L.P.

666 Fifth Avenue – 26th Floor New York, NY 10103 Telephone: 212.237.0000

Facsimile: 212.237.0100

-and-

Douglas R. McSwane, Jr. State Bar No. 13861300

#### POTTER MINTON

A Professional Corporation 110 N. College 500 Plaza Tower (75702) P.O. Box 359

Tyler, Texas 75710 Telephone: 903.597.8311

Facsimile: 903.593.0846

E-mail: dougmcswane@potterminton.com

Counsel for Defendants First Funds, LLC, Merchant Money Tree, Inc., Reach Financial, LLC, and AmeriMerchant, LLC

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that all counsel of record who have consented to electronic service are being served a copy of this document via the court's CM/ECF system per Local Rule CV-5(a)(3) on this the 16th day of November, 2006. Any other counsel of record will be served by first class mail on this same date.

/s/ Joseph D. Gray
Joseph D. Gray